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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,346	07/02/2003	Daniel W. Mauney	1033-T00142-C3	3780

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EXAMINER

TRAN, TUAN A

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/612,346

Applicant(s)

MAUNEY ET AL.

Examiner

Tuan A. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 21-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Group I (claims 1-20 and 28) in the reply filed on 09/06/2006 is acknowledged. The traversal is on the ground(s) that there is no serious burden on the Examiner. This is not found persuasive because these inventions are distinct and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

The requirement is still deemed proper and is therefore made FINAL.

Response to Amendment

The evidence submitted is insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective date of the Haartsen reference and Hall reference. In this instant application, the Applicant(s) has not presented any concrete evidence for establishing "reasonable diligence to reduction to practice" as required according to MPEP 2138.05-06. Therefore, the Applicant's Amendment/Reply filed on 09/05/2006 will not be entered and this Action is made Final.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-8, 13 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haartsen (6,590,928).

Regarding claim 28, Haartsen discloses a wireless communication device (See fig. 12) comprising: an antenna; a transmitter coupled to the antenna; and wireless communication circuitry coupled to the transmitter, the wireless communication circuitry configured to communicate with a proximally located peer wireless device using low power short-range signal (second signal) (See col. 11 lines 26-31), wherein the communication with the proximally located peer wireless device is selected from a group consisting of wireless data (See figs. 6a, 6b, 7 and col. 12 line 50 to col. 13 line 8), a list of wireless device access numbers (See figs. 8-9 and col. 14 line 66 to col. 15 line 37), direct voice communication (See figs. 6a, 6b, 7 and col. 13 lines 9-16, lines 40-48), and a short-range messaging communication (See figs. 6a, 6b, 7 and col. 13 line 49 to col. 14 line 5). However, Haartsen does not mention the wireless communication device comprises a wireless communication circuitry configured to communication via a wide area wireless network using long range signal (first signal) (the long range signal is commonly known to be greater than the short-range signal in strength). Since wireless communication device comprising both long range and short-range transceivers is well

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known in the art (Official Notice taken by the Examiner) as shown by U.S. patent No. 6,134,437 issued to Karabinis as evidence (See figs. 1-2); therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to configure the wireless communication device as disclosed by Haartsen with long range transceiver for the advantage of expanding the capability of the device to various types of communication protocols.

Claims 1-8 are rejected for the same reasons as set forth in claim 28.

Regarding claim 13, Haartsen discloses as cited in claim 6. Haartsen further discloses a memory for storing a list of wireless device addresses (See col. 14 lines 1-5).

2. Claims 9-11 and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haartsen (6,590,928) in view of Hall et al. (6,032,051).

Regarding claims 14-15, Haartsen discloses an apparatus and method for establishing communication, the method comprising: communicating with a proximally located peer wireless device using short-range signal; and receiving a list of wireless device addresses from the proximally located peer wireless device (See col.11 lines 24-31, col. 14 line 66 to col. 15 line 45). However, Haartsen does not mention the steps of communicating with a wireless network using long range signal (the long range signal is commonly known to be greater than the short-range signal in strength) and transmitting a find message including at least one wireless device address included in the list of wireless device addresses by using the long range signal. Hall teaches an apparatus

and method for checking device status (See fig. 3), the method comprising the step of transmitting a find message (check status message) including at least one wireless device address included in a list of wireless device addresses by using the long range signal (the find message is transmitted to the HLR of the wireless network) (See fig. 12 and col. 5 lines 4-8). Since wireless communication device comprising both long range and short-range transceivers is well known in the art (Official Notice taken by the Examiner) as shown by U.S. patent No. 6,134,437 issued to Karabinis as evidence (See figs. 1-2); therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to configure the apparatus as disclosed by Haartsen with long range transceiver for the advantage of expanding the capability of the device to various types of communication protocols. Further, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the step of transmitting the find message as taught by Hall for the advantage of permitting a user to monitor the status of device of any other user without manually establishing communication with the other user as suggested by Hall (See col. 2 lines 6-10).

Claim 9 is rejected for the same reasons as set forth in claims 14-15, as apparatus.

Regarding claim 16, Haartsen & Hall disclose as cited in claim 14. Haartsen further discloses the step of appending the list of wireless device addresses to a previously stored list of wireless device addresses (See col. 14 lines 1-5).

Regarding claim 17, Haartsen & Hall disclose as cited in claim 14. Hall further discloses the step of receiving a response message associated with a wireless device

associated with the at least one wireless device address included in the find message (See fig. 12).

Claim 10 is rejected for the same reasons as set forth in claim 17, as apparatus.

Regarding claim 18, Haartsen & Hall disclose as cited in claim 14. Hall further discloses the step of transmitting a page message including the at least one wireless device address (See fig. 15 and col. 5 lines 24-49).

Claim 11 is rejected for the same reasons as set forth in claim 18, as apparatus.

Regarding claims 19-20, Haartsen & Hall disclose as cited in claim 14. Haartsen further discloses the steps of establishing a voice transmission with a wireless device associated with the at least one wireless device address and transmitting a text message to a wireless device associated with the at least one wireless device address (See col. 12 line 50 to col. 13 line 16, col. 13 lines 46-48).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A. Tran whose telephone number is (571) 272-7858. The examiner can normally be reached on Mon-Fri, 10:00AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Tuan Tran



Matthew D. Anderson
SPE - 2618